

Message Text

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ACTION EB-07

INFO OCT-01 NEA-10 IO-13 ISO-00 FEA-01 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 EPG-02 AID-05
SS-15 STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02
OMB-01 /099 W

-----060942Z 080617 /15

R 060750Z JUN 77
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 6499
INFO USMISSION GENEVA

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USMTN

E.O. 11652: N/A
TAGS: ETRD, MTN, IS
SUBJECT: MTN - U.S. NEGOTIATING OBJECTIVES

REFS: (A) 76 STATE 308118, (B) STATE 15533, (C) 75 TEL AVIV 7008

1. SUMMARY. THE UNITED STATES IS THE LARGEST SINGLE SUPPLIER TO THE ISRAELI MARKET (PROVIDING ALMOST 22 PER CENT TO TOTAL CIVILAIN IMPORTS IN 1976) BUT THE EC AS A GROUP SELLS TWICE AS MUCH TO ISRAEL. THE EXISTENCE OF A LARGE AID-FINANCED COMMODITY IMPORT PROGRAM (CIP) HAS HELPED THE U.S. MAINTAIN ITS SHARE OF THE MARKET IN RECENT YEARS. IT APPEARS, HOWEVER, THAT THE U.S. SHARE HAS LEVELED OFF, AND MAY EVEN DECLINE, IN THE FACE OF GROWING EC COMPETITION. THE EC ADVANTAGE STEMS MAINLY FROM THE DECLINGIN RATES OF DUTY ON COMMON MARKEY GOODS, UNDER THE EC/ISRAEL FREE TRADE AGREEMENT, HIGHER FREIGHT COSTS FROM THE U.S. COMPARED TO EUROPE, AND THE EUROPEANS' GREATER INTEREST IN THE ISRAELI MARKET. IMPORT TAXES, SURCHARGES, FOREIGN EXCHANGE
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CONTROL REGULATIONS AND GENERAL COMPLEXITY OF THE SYSTEM ARE PROBABLY MORE OF A HINDRANCE TO IMPORTS THAN THE TARIFF LEVEL. FOR THESE REASONS, USDEL SHOULD PLACE AT LEAST AS MUCH STRESS ON THE ELIMINATION OF NON-TARIFF MEASURES AS ON CUTTING TARIFFS. END SUMMARY.

2. CUSTOMS DUTIES - EMBASSY NOTES GOI OBJECTIVE, STATED

IN OCTOBER 1, 1976, THAT BY 1978 THE HIGHEST LEVEL OF
TARIFF PROTECTION WOULD BE REDUCED TO ABOUT 20 PER CENT.
ACCOMPLISHMENT OF THIS GOAL SHOULD BE STRONGLY ENCOURAGED.
BECAUSE OF THE CASCADE SYSTEM OF TAX AND SURCHARGE COLLECTION
(SEE BELOW), ANY DECREASE IN TARIFF BRINGS ABOUT A
MORE THAN PROPORTIONATE DECREASE IN TOTAL COST OF IMPORTS.
MOREOVER, AS THE BASIC TARIFF IS REDUCED, THE IMPORT SUR
CHARGE OF 15 PER CENT (LEVIED ON CIF VALUE) ASSUMES GREATER
SIGNIFICANCE. AT PRESENT, THE IMPORT SURCHARGE DOES NOT
IN FACT SIGNIFICANTLY RESTRICT IMPORTS, AS INTENDED, GIVEN
THE CHRONICALLY OVERVALUED ISRAELI POUND. ITS IMPACT IS
MORE ON THE REVENUE SIDE. ELIMINATION OF SURCHARGE, AND
ALSO REDUCTION IN OVERALL TARIFF RATES, WOULD ASSIST U.S.
EXPORTS, MORE THAN EC EXPORTS, SINCE TARIFF AND SURCHARGE
ARE COLLECTED ON CIF VALUE AND FREIGHT COSTS ARE GEN-
ERALLY HIGHER FROM U.S. THAN FROM EC. ALSO, SINCE TARIFFS
ON EC GOODS ARE BEING REDUCED GRADUALLY TO ZERO, ANY DECREASE
IN GENERAL TARIFF LEVELS WILL REDUCE ADVANTAGE TO
EC GOODS.

3. NON-TARIFF MEASURES (NTM) COVER A WIDE RANGE OF
TOPICS. THE MAJOR ONES IDENTIFIED BY THE EMBASSY ARE
SUMMARIZED AS FOLLOWS:

A) PURCHASE TAX - FIRST INSTITUTED IN 1949 UNDER NAME
OF "LUXURY TAX." NOW IN FORCE AS "PURCHASE TAX (GOODS
AND SERVICES) LAW, 5712-1952." THE TAX IS PAYABLE BY
MANUFACTURERS OF IMPORTERS AND APPLIES TO CONSUMER
GOODS AND LUXURY GOODS. IT DOES NOT APPLY TO FOOD-
STUFFS, MEDICINES, CAPITAL GOODS, FUEL OR TOBACCO. TAX
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IS LEVIED ONLY ONCE ON ANY ONE GOOD. IMPORTS AS WELL
AS DOMESTICALLY-PRODUCED GOODS (AND CERTAIN SERVICES)
MUST PAY TAX. TAX SCHEDULE HAS FOUR COLUMNS: FIRST
COLUMN IS PURCHASE TAX RATE ON IMPORTED ITEMS AND ON
LOCALLY-PRODUCED GOODS IF THERE IS NO RATE IN THE SECOND
COLUMN; SECOND COLUMN IS LOWER TAX RATE ON LOCALLY-
PRODUCED GOOD TO TAKE INTO CONSIDERATION PURCHASE TAX
PREVIOUSLY PAID ON IMPORTS USED TO PRODUCE THIS GOOD
(THERE IS ALSO A PROVISION WHICH PROVIDES THAT ANY TAX
PAID ON SEMI-MANUFACTURED ITEMS OF WHICH A FINISHED
PRODUCT IS MADE IS DEDUCTIBLE IF IT EXCEEDS 20 PER CENT
OF THE TAX ON THE FINISHED PRODUCT); THIRD COLUMN IS
WHOLESALE'S UPLIFT (IN HEBREW TAMA) ON IMPORTED GOODS;
FOURTH COLUMN IS TAMA ON DOMESTICALLY-PRODUCED GOODS
(USUALLY LOWER THAN TAMA FOR IMPORTED GOODS). TAMA IS
ADJUSTMENT IN VALUE OF GOODS FROM PRODUCER (OR IMPORTER)
LEVEL TO WHOLESALE LEVEL SO THAT TAX CAN BE COLLECTED.
ON IMPORTED GOODS, THE TAMA IS APPLIED ON CIF
VALUE, PLUS PORT HANDLING COSTS PLUS CUSTOMS TARIFF

PLUS 15 PER CENT IMPORT SURCHARGE. PURCHASE TAX IS THEN APPLIED AFTER TMA. VAT OF EIGHT PER CENT IS APPLIED ON TOP OF EVERYTHING ELSE. POSSIBILITY OF ADVERSE TRADE IMPACT IS BASED ON DIFFERENTIAL TAMA RATES FOR LOCALLY-PRODUCED GOODS AS COMPARED TO IMPORTS AND ALSO ON DIFFERENTIAL PURCHASE TAX WHERE SUCH RATES EXIST. A WHOLE SECTION OF CUSTOMS WORKS ON ESTABLISHING THE DIFFERENT TAMA RATES, BUT NOBODY SEEMS TO KNOW HOW DIFFERENT RATES ARE ESTABLISHED, PARTICULARLY IN VIEW OF THE PURCHASE TAX REBATE PROVISION MENTIONED ABOVE. USDEL MIGHT WELL ASK HOW THE PURCHASE TAX SYSTEM WORKS AND WHAT CONTROLS EXIST TO INSURE THAT IMPORTS FROM THE U.S. ARE NOT DISCRIMINATED AGAINST.

B) CLASSIFICATION PROBLEMS - BECAUSE OF THE PURCHASE TAX AND TAMA DESCRIBED ABOVE, AND ALSO BECAUSE OF THE CASCADE APPLICATION OF THE VAT AND THE PURCHASE TAX, THE LIMITED OFFICIAL USE

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CLASSIFICATION OF IMPORTED GOODS BECOMES VERY IMPORTANT. ISRAELI CUSTOMS OFFICIALS HAVE A TENDENCY TO CLASSIFY IMPORTED GOODS INTO THE HIGHEST POSSIBLE DUTY CATEGORY.

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IN SPECIFIC ITEMS, SUCH TENDENCY CAN HAVE CATASTROPHIC RESULTS. FOR INSTANCE, HOLLOW CATHODE LAMPS (TARIFF NO. 85.20.1090) ARE USED AS AN ACCESSORY WITH ATOMIC ABSORPTION SPECTROPHOTOMERS. THEIR LIGHT CANNOT BE USED FOR ANY OTHER PURPOSE EXCEPT WITHIN THE SPECTROPHOTOMERS. CUSTOMS CLASSIFY THESE LAMPS AS AN ORIGINAL LIGHT SOURCE AND IN ADDITION TO THE 25 PERCENT CUSTOMS TARIFF COST OF THESE ITEMS ARE INCREASED BY A 60 PER CENT TAMA AND THEN A PURCHASE TAX OF 35 PER CENT IS LEVIED ON THE WHOLE AMOUNT (INCLUDING QT PERCENT SURCHARGE) FOLLOWED BY THE VAT. ACCORDING TO THE IMPORTER, TOTAL CHARGES THUS COMPUTED EXCEED 100 PER CENT OF THE CIF VALUE OF THE ITEM. A SIMILAR SITUATION EXISTS WITH REGARD TO ICE FLAKERS (TARIFF NO. 84.15.9900) WHICH ARE USED IN HOTELS AND COMMERCIAL ESTABLISHMENTS, AND DEEP FREEZERS FOR MEDICAL AND BIOLOGICAL APPLICATIONS INCLUDING LEOPHYLIZERS. THESE ARE CLASSIFIED IN THE SAME CATEGORY AS HOUSEHOLD REFRIGERATORS, ALTHOUGH THERE IS SLIGHT POSSIBILITY THAT THESE ITEMS MIGHT BE USED AS LIMITED OFFICIAL USE

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A HOUSEHOLD APPLIANCE. IN ADDITION TO THE 22.5 PER CENT TARIFF THERE IS A 57.5 PER CENT PURCHASE TAX AFTER IMPOSITION OF A 60 PER CENT TAMA. HERE AGAIN, THESE ITEMS PAY CHARGES OF OVER 100 PER CENT. THIS HEAVY CHARGE MAKES IT VERY DIFFICULT FOR CUSTOMERS TO BUY EQUIPMENT. ANOTHER EXAMPLE IS A COMPUTER OUTPUT MICROFILM RECORDER WHICH IN MOST COUNTRIES IS CLASSIFIED AS 84.53.0346 - COMPUTER PERIPHERAL - BECAUSE IT INCLUDES A SELECTED COMPUTER AND STORAGE CAPACITY. IN ISRAEL IT IS CLASSIFIED AS A CAMERA (84.54.9900) WHICH MAKES IT SUBJECT TO A 45 PER CENT DUTY AND PURCHASE TAX OF 25 PER CENT AFTER A TAMA OF 30 PER CENT. ITS CLASSIFICATION AS A CAMERA MAKES THIS ITEM PAY DOUBLE WHAT IT WOULD PAY OTHERWISE.

C) COMPULSORY PAYMENTS - IMPOSED UNDER DEFENSE OR EMERGENCY REGULATIONS BASED ON THE EXTENSION OF VALIDITY OF THE EMERGENCY REGULATIONS (COMPULSORY PAYMENTS) LAW, 5736-1975, WHICH ENDORSES THE EMERGENCY (COMPULSORY PAYMENTS) REGULATIONS, 5718-1958 PROMULGATED BY THE PRIME MINISTER. THE LEVELS OF PAYMENTS ARE ESTABLISHED BY MINISTERIAL RESOLUTION. THE PURPOSES OF THESE PAYMENTS ARE MANIFOLD: REGULATION OF THE DEMAND FOR, OR CONSUMPTION OF, ANY GOODS, INCLUDING THE PREVENTION OF SURPLUSES AND THE REDUCTION OF PRICES; PROTECTION OF ISRAELI PRODUCTS FROM COMPETITION FROM IMPORTS; MAINTENANCE OF A UNIFORM OR STABLE PRICE FOR GOODS; ABSORPTION OR PREVEN-

TION OF EXCESS PROFIT -- WHETHER OR NOT A MAXIMUM OR
FIXED PRICE HAS BEEN SET FOR THE GOODS UNDER ANY LAW --
EXEPT WHERE THE PROFIT IS DERIVED FROM THE LABOUR OR
EFFICIENCY OF THE POSSESSOR OF THE GOODS. WITH SUCH
IMPRECISE AND GENERAL AIMS, COMPULSORY PAYMENTS CAN BE
IMPOSED ON ALMOST ANY IMPORT. WE KNOW OF ONE CASE WHERE
AN IMPORTER OF KRAFT PAPER FROM THE U.S. WAS OBLIGED TO
PAY A COMPULSORY PAYMENT OF \$30 PER TON UNDER ONE OF THE
ABOVE GUIDELINES. SINCE THESE COMPULSORY PAYMENTS CAN
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BE IMPOSED EITHER BEFORE OR AFTER THE GOODS ARRIVE AT
THE PORT, THE IMPORTER IS FACED WITH UNCERTAINTY. ALSO,
THE CONCEPT OF "EXCESS PROFIT" IS NEVER DEFINED SO THAT
THIS REALLY BECOMES A TYPE OF "CATCH-ALL" DEFINITION.
GOI GEL SHOULD BE QUERIED ABOUT THE IMPLEMENTA-
TION, REASONING, AND, MORE IMPORTANTLY, THE TRADE IMPACT
OF SUCH PAYMENTS.

D) NEW LAW FOR THE PREVENTION OF DUMPTION - LAW 839,
JANUARY 1, 1977 - AFTER FIVE YEARS OF DISCUSSION, THIS
LAW WAS FINALLY RUSHED THROUGH BECAUSE OF THE FORTHCOM-
ING DUTY REDUCTION ON EC GOODS ENTERING ISRAEL. LAW
DEFINES DUMPING AS THE IMPORTATION OF GOODS THE EXPORT
PRICE OF WHICH IS LESS THAT THE "USUAL" PRICE. THIS IS
DEFINED AS THE PRICE OF SIMILAR GOODS INTENDED FOR DOM-
ESTIC CONSUMPTION IN THE COUNTRY OF EXPORT, OR, IF SUCH
PRICE IS LACKING, THE HIGHEST EXPORT PRICE OF IDENTICAL
GOODS TO A THIRD COUNTRY OR, AS A LAST RESORT, THE TOTAL
PRODUCTION COSTS OF IDENTICAL GOODS IN THE COUNTRY OF
EXPORT. TOTAL PRODUCTION COSTS INCLUDE ADMINISTRATIVE
EXPENSES AND A "REASONABLE" PROFIT. A COMPLAINT CAN BE
FILED BY ANY INTERESTED PERSON CLAIMING THAT DUMPING IS,
OR MIGHT BE, TAKING PLACE AND THAT AS A RESULT TANGIBLE
DAMAGE IS, OR MIGHT BE, CAUSED OR THAT THE DEVELOPMENT
OR AN AGRICULTURAL OR INDUSTRIAL BRANCH, THE ESTABLISH-
MENT OF WHICH HAS BEGUN OR IS ABOUT TO BEGIN, HAS, OR
MIGHT HAVE, BEEN PREVENTED. THIS LAW, WHICH HAS NOT YET
BEEN APPLIED, APPEARS TO BE LOOSELY DRAWN SINCE IT HAS
NO DEFINITION OF "TANGIBLE DAMAGE," COMPLAINTS CAN BE
MADE CONCERNING DAMAGE TO ECONOMIC ACTIVITIES WHICH HAVE
NOT YET STARTED, ETC. ENGLISH TRANSLATION OF LAW BEING
POUCHED.

E) GOVERNMENT CONTROL OF TRADE - THE EMBASSY HAS BEEN
INFORMED OF AT LEAST ONE INSTANCE WHERE THE MINISTRY OF
AGRICULTURE, WHICH LICENSES IMPORTS OF AGRICULTURAL
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MACHINERY, INSISTED ON INCLUDING IN A SIX-MONTH LETTER OF CREDIT A CLAUSE THAT THE LETTER OF CREDIT WOULD NOT BE PAID UNLESS THE MINISTRY DETERMINED THAT THE MACHINERY HAD LIVED UP TO ITS SPECIFICATIONS. THE U.S. EXPORTER, A SMALL COMPANY NEW TO ISRAEL, DECIDED NOT TO MAKE THE SALE BECAUSE IT COULD NOT DISCOUNT IT WITH A U.S. BANK, SINCE THE LETTER OF CREDIT WAS NEITHER UNCONDITIONAL NOR IRREVOCABLE. BECAUSE OF THE PRIOR LICENSING REQUIREMENT ON MANY GOODS, THE EMBASSY BELIEVES THAT SIMILAR CONDITIONS MIGHT BE INCLUDED IN OTHER SALES CONTRACTS OR NEGOTIABLE INSTRUMENTS WHICH MIGHT INHIBIT U.S. EXPORTS TO ISRAEL. A RELATED AREA OF OCCASIONAL COMPLAINT INVOLVES

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PRACTICES OF SEMI-PUBLIC ENTERPRISES, E.G., KOOR (HISTADRUT-OWNED CONGLOMERATE) IS AGENT FOR SOUTH AFRICAN STEEL AND REPORTEDLY PROVIDES ESPECIALLY EASY CREDIT TERMS TO LOCAL BUYERS.

F) GOVERNMENT STANDARDS - RECENTLY THE EMBASSY WAS ASKED TO ASSIST A U.S. EXPORTER OF WELDING MACHINES WHO HAD DIFFICULTIES IN SELLING HIS EQUIPMENT IN ISRAEL BECAUSE

OF A NEW REQUIREMENT PROMULGATED BY THE MINISTRY OF COMMERCE AND INDUSTRY THAT ALL WELDING MACHINES HAVE TO BE APPROVED AND CERTIFIED BY THE STANDARDS INSTITUTE OF ISRAEL. IN LIEU OF THIS REQUIREMENT, A CERTIFICATE FROM THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) WOULD SUFFICE. UNFORTUNATELY, ANSI DOES NOT TEST EQUIPMENT NOR ISSUE CERTIFICATES. SINCE THERE IS NO OVERALL STANDARDS INSTITUTE IN THE U.S., OUR EQUIPMENT HAS TO UNDERGO EXPENSIVE AND TIME-CONSUMING TESTING BY THE ISRAELI STANDARDS INSTITUTE. SOME EUROPEAN NATIONS DO HAVE SUCH STANDARDS INSTITUTES AND THERE ARE INDICATIONS LIMITED OFFICIAL USE

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THAT AGREEMENTS WILL BE SIGNED WHEREBY EACH COUNTRY ACCEPTS THE OTHER COUNTRIES' CERTIFICATION. THIS WOULD PUT OUR EXPORTS AT A DISADVANTAGE. THE EMBASSY HAS SUGGESTED, WITHOUT SUCCESS, THAT ISRAEL ACCEPT A CERTIFICATION FROM THE MANUFACTURER THAT HIS EQUIPMENT MEETS APPROPRIATE TRADE ASSOCIATION STANDARDS OF THE U.S. THIS PROBLEM CAN BE EXPECTED TO WORSEN AS ISRAEL PUTS MORE EMPHASIS ON CONSUMER AND USER SAFETY.

G) CONTAINERS - ISRAEL HAS A LAW REQUIRING THAT CERTAIN FOOD IMPORTS BE MADE IN METRIC CONTAINERS (SEE 76 TEL AVIV A-55) WHICH WILL INHIBIT SOME EXPORTS OF CANNED FOODSTUFFS FROM THE U.S. UNLESS A WAIVER IS GRANTED BY THE GOI. A REASONABLE DELAY OF THIS REGULATION WOULD ALLOW U.S. MANUFACTURERS TO COMPLY WITHOUT MAJOR PROBLEMS.

H) SUPPLIERS' CREDIT - IN ORDER TO MAINTAIN NEEDED FLEXIBILITY, GOI OFFICIALS GENERALLY ADMINISTER IMPORT POLICIES ON AN AD HOC BASIS WITHOUT ANY WRITTEN STANDARDS OR REGULATIONS. A PRIME EXAMPLE OF THIS PRACTICE CONCERNS APPROVAL OF SUPPLIERS CREDITS FOR IMPORTS. SUCH CREDIT IS NOT ALLOWED WITHOUT SPECIAL PERMISSION FROM THE MINISTRY OF FINANCE, WHICH SEEMS TO ACT UNDER UNWRITTEN AND SOMEWHAT ARBITRARY RULES. WHILE THIS PROCEDURE PROVIDES FLEXIBILITY, IT ALSO HINDERS U.S. EXPORTERS FROM DETERMINING IN ADVANCE WHETHER THEY CAN USE THIS IMPORTANT SALES TOOL IN THEIR SALES TO ISRAEL. A CLEAR LISTING OF THE REQUIREMENTS FOR APPROVING SUPPLIERS' CREDIT WOULD ASSIST OUR EXPORTERS IN DECIDING WHETHER OR NOT TO SELL TO ISRAEL SINCE, WITH THE GOING COMMERCIAL INTEREST RATE AT 30-40 PER CENT, THE ABILITY TO PROVIDE SUCH CREDIT CAN BE DECISIVE.

I) BUY ISRAEL ACT - GOI NOW HAS UNDER CONSIDERATION PROPOSED LEGISLATION TO AFFORD PREFERENTIAL TREATMENT TO LIMITED OFFICIAL USE

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PROCUREMENT OF ISRAELI-MADE EQUIPMENT IN GOVERNMENT PROJECTS. USDEL MIGHT INQUIRE ABOUT STATUS AND SPECIFIC PROVISIONS OF DRAFT LAW.

6. DEPARTMENT'S ATTENTION IS INVITED TO REF C, WHICH DESCRIBED ISRAEL'S PRIMARY GOALS IN MTN NEGOTIATIONS, AND TO GOI PAPER ON ISRAELI IMPORT RESTRICTIONS PREPARED OCTOBER 1, 1976, FOR GATT CONSULTATIONS (COPY BEING POUCHED TO NEA/IAI). WE WOULD APPRECIATE BEING PROVIDED COPIES OF ALL DOCUMENTS PREPARED FOR MTN DISCUSSION WITH ISRAEL.
LEWIS

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
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